

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 135, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

1       Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:

3       "SECTION 1. IC 4-6-2-1.5 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.5. (a) Whenever any  
5 state governmental official or employee, whether elected or appointed,  
6 is made a party to a suit, and the attorney general determines that said  
7 suit has arisen out of an act which such official or employee in good  
8 faith believed to be within the scope of his duties as prescribed by  
9 statute or duly adopted regulation, the attorney general shall defend such  
10 person throughout such action.

11       (b) Whenever a teacher (as defined in IC 20-6.1-1-8) is made a party  
12 to a civil suit, and the attorney general determines that the suit has  
13 arisen out of an act that the teacher in good faith believed was within  
14 the scope of the teacher's duties in enforcing discipline policies  
15 developed under IC 20-8.1-5-2(e), the attorney general shall defend the  
16 teacher throughout the action.

17       (c) **Whenever a school corporation (as defined in IC 20-5-1-3)**  
18 **is made party to a civil suit and the attorney general determines**  
19 **that the suit has arisen out of an act authorized under**  
20 **IC 20-10.1-4-0.5 or IC 20-10.1-4-3.5, the attorney general shall**

- 1       **defend the school corporation throughout the action.**
- 2       **(d)** A determination by the attorney general under subsection (a), ~~or~~
- 3       (b), ~~or~~ **(c)** shall not be admitted as evidence in the trial of any such civil
- 4       action for damages.
- 5       ~~(d)~~ **(e)** Nothing in this chapter shall be construed to deprive any
- 6       such person of ~~his~~ **the person's** right to select counsel of ~~his~~ **the**
- 7       **person's** own choice at ~~his~~ **the person's** own expense."
- 8       Page 2, line 6, delete "one (1) minute period" and insert "**moment**".
- 9       Page 2, line 8, delete "period" and insert "**moment**".
- (Reference is to SB 135 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 7, Nays 1.

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**Long**

**Chairperson**